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Fifty-third session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 19 March 1997, at 10 a.m.

Chairman: Mr. SOMOL (Czech Republic)

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The meeting was called to order at 10.25 a.m.

STATEMENT BY MRS. CHRISTINE STEWART, SECRETARY OF STATE (LATIN AMERICA AND AFRICA) OF CANADA

1. Mrs. STEWART (Canada), recalling that States shared responsibility for human rights problems, said that the best approach was one of dialogue and engagement. That explained the particular efforts that Canada and its independent Canadian Human Rights Commission had made to work with other countries to develop national institutions for the protection of human rights. The United Nations High Commissioner for Human Rights had made an important contribution to helping Rwanda rebuild its judicial and human rights infrastructure. The Commission had to contribute to a coordinated international response to the situations in Burundi and Zaire. Canada also welcomed the progress achieved in establishing a United Nations Human Rights Office in Bogota and would like practical measures to be implemented without delay.

2. The Commission had to sustain the pursuit of dialogue and engagement in support of human rights, even in the face of refusal by some Governments. When the Commission resumed its debate on human rights situations in all parts of the world, her delegation would express its views in a frank manner on a range of situations, such as that in Nigeria, with whose Government Canada had unsuccessfully tried to engage in a serious human rights dialogue, or that in China, a country with which Canada had discussed human rights in a constructive spirit on the basis of mutual respect. It would also listen with interest to the concerns expressed by others about the human rights situation in Canada.

3. The review of specific situations was an obligation under the Charter, but above all an obligation to victims of human rights violations and to the countless individuals and members of non-governmental organizations working to defend those victims. She paid tribute to those who had made the ultimate sacrifice for that cause in the past year. In the last 12 months, Canada had lost two of its own, Mrs. Nancy Malloy, a nurse with the International Committee of the Red Cross in Chechnya, and Father Pinard, a Missionaire d'Afrique in Rwanda. She joined those who had called for the early completion of the draft Declaration on Human Rights Defenders, the initiative for which had been taken by Norway and Canada 11 years earlier.

4. Canada also attached high priority to advancing the Commission's work on the Declaration on the Rights of Indigenous Peoples.

5. The Government of Canada had made the rights of children a priority in both domestic and foreign policy. It took its commitments under the Convention on the Rights of the Child seriously and strongly supported the preparation of the two optional protocols to the Convention relating to the sale of children, child prostitution and child pornography and to children in situations of armed conflict. To follow up on the Agenda for Action of the Stockholm World Congress against Sexual Exploitation of Children, it had submitted a bill to Parliament that would make Canadians who engaged in child

sex tourism abroad liable to prosecution in Canada. It was also taking an active part in efforts to combat child labour, a challenge calling for a multidisciplinary response from national and international authorities, civil society and non-governmental organizations.

6. With regard to women's rights, she paid tribute to the Special Rapporteur on violence against women, who had completed her first term. At the current session, the Canadian delegation would be honoured to lead in seeking the renewal of that important mandate for a further three years.

7. However, all the efforts being made to advance the many vital causes before the Commission would be in vain if the United Nations human rights system did not have the means to function properly. Canada had been encouraged by the initial steps taken by the new United Nations Secretary-General in reforming the Secretariat and, in particular, identifying human rights as a core function. It offered him its full support in ensuring that human rights would be fully integrated into the action of the Organization in all areas - peace and security, development and humanitarian affairs. Canada was in the process of preparing a human rights roster to help establish a rapid reaction capacity for the United Nations and other international organizations.

8. The fiftieth anniversary of the Universal Declaration of Human Rights in 1998 would be an opportunity to review the Vienna Declaration and Programme of Action and to respond to the human rights challenges of a new millennium. A crucial milestone would be the establishment of an international criminal court. Canada also saw scope for considerable progress in three other areas. First, new information technologies should be an important part of the strategy for the promotion of human rights, especially to the younger generation, and Canada intended to play a leadership role in that area. Secondly, the Commission, its many mechanisms and the human rights treaty bodies had to be made better known; one way would be to prepare an annual report on the state of human rights worldwide on the basis of the findings of independent United Nations human rights mechanisms. As part of the commemoration of the fiftieth anniversary of the Universal Declaration, Canada would sponsor the development and publication of a prototype for such a report. Canada also believed that the Commission should mobilize the great interest shown in its work by political figures and other distinguished personalities from all parts of the world. It therefore strongly urged that, at the Commission's fifty-fourth session, a high-level debate should be held with the participation of leaders, ministers and top representatives of civil society who would help carry the Commission's message beyond the walls of the Palais des Nations.

STATEMENT BY MR. JAN EGELAND, MINISTER FOR FOREIGN AFFAIRS OF NORWAY

9. Mr. EGELAND (Norway) stressed the need to increase United Nations budget resources earmarked for human rights programmes in order to give real force to the mechanisms for monitoring and enforcing human rights and preventing human rights violations throughout the world. Norway intended to increase its contributions to bilateral and multilateral projects. In view of the commendable results the High Commissioner for Human Rights had achieved

despite limited resources, the Norwegian Government hoped that his successor would continue the efforts being made with vigour and efficiency; it would keep supporting the High Commissioner's endeavours to reinforce his position and make the Centre for Human Rights more effective.

10. No one was, however, as important for the protection and promotion of human rights as the thousands of local human rights advocates in all countries, who often paid a high price for their courage. The draft declaration being prepared on that subject would not only define new rights and freedoms, but also provide protection for human rights defenders and underline the legitimacy of their work. His Government was satisfied with the progress made by the Working Group set up to prepare the text and hoped that it would be able to complete its work in time for the adoption of the declaration by the General Assembly in 1998.

11. The Norwegian Government considered that the Commission should give high priority to the situation of indigenous peoples who could not fully enjoy their fundamental human rights and freedoms. The adoption of a declaration on the rights of indigenous peoples and the establishment of a permanent forum for indigenous peoples within the United Nations should be the major aims of the International Decade of the World's Indigenous Peoples.

12. The many internal conflicts now going on throughout the world bore witness to the urgent need for the setting of minimum humanitarian standards which would be applicable in situations of crisis, strife and turmoil and would be respected by all the parties to conflicts. That problem had been discussed at an international workshop held in Cape Town in 1996 in response to Commission resolution 1996/26. In cooperation with the other Nordic countries and South Africa, his delegation intended to submit a draft resolution to follow up on the outcome of that workshop.

13. The time had come for joint, coordinated international action to put an end to the intolerable situation caused by Iran's fatwa against the writer Salman Rushdie, which was a violation of universally accepted human rights principles and of international law. The explanation given by the Government of Iran when it had recently announced that the reward for the assassination of Salman Rushdie had been raised from $2 million to $2.5 million, namely, that such action was being taken by a private organization outside Government control, was unacceptable. The Norwegian Government called for international economic sanctions against Iran.

14. The Norwegian Government fully supported the very constructive proposals made by the Canadian Secretary of State (Africa and Latin America) on the increased application of information technology in the service of human rights dissemination, the preparation of an annual report on the state of human rights worldwide and high-level participation in the celebrations of the fiftieth anniversary of the Universal Declaration of Human Rights at the Commission's fifty-fourth session.

15. The promotion and protection of human rights both internationally and nationally were cornerstones of his Government's policy. They occupied a

particularly prominent place in Norway's peace efforts in the Middle East, in Central America and elsewhere because it was clear that respect for the inherent dignity and equal and inalienable rights of individuals was the foundation not only of freedom, but also of peace.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

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(agenda item 5) (continued) (E/CN.4/1997/17-20, 106, 110, 112, 115 and 120; E/CN.4/1997/NGO/9; E/CN.4/Sub.2/1996/12 and Corr.1 and 13; E/CN.4/Sub.2/1995/11; A/C.3/51/6)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 6) (continued) (E/CN.4/1997/21 and 22; E/CN.4/1997/NGO/2)

16. Mr. DRZEWICKI (Chairman-Rapporteur of the Intergovernmental Group of Experts on the Right to Development), introducing the progress report of the Intergovernmental Group on the work of its first session (E/CN.4/1997/22), said that the Group, which had been established for two years by Commission resolution 1996/15, was composed of 10 experts specializing in very different issues who had all taken an active part in the discussions and, despite some differences of opinion, had been able to arrive at their conclusions in a spirit of consensus that should enable them to submit a final consensually adopted report.

17. The mandate of the Group of Experts, which had been defined in the same resolution, was based on the Declaration on the Right to Development and on the Vienna Declaration and Programme of Action. On the basis of the work of the Working Group on the Right to Development that had preceded it and the relevant conclusions of world conferences, the Group of Experts was to formulate a strategy for the implementation and promotion of the right to development in its integrated and multidimensional aspects and focus its efforts on the design of concrete and practical measures. That was the basic difference between its mandate and that of the Working Group.

18. The Group of Experts had decided that it would work in closed meetings to facilitate exchanges of views and the drafting process, as well as in public meetings to inform Governments and governmental and non-governmental organizations of the progress of its work and to hold exchanges of views and

information. The comments, including criticism, made by the representatives of Governments and organizations during public meetings had proved to be useful. Since some Governments had criticized the lack of transparency resulting from too many closed meetings, the Group of Experts would reconsider the question of the proportion of such meetings, even though they helped speed up the work and were preferred by the majority of the experts.

19. In accordance with its mandate, the Group of Experts had established contacts with the treaty bodies and the United Nations High Commissioner for Human Rights, whose mandate was, inter alia, to promote the effective enjoyment of all human rights and the realization of the right to development. It had also requested Governments, United Nations agencies and the competent intergovernmental and non-governmental organizations to submit their views and proposals to it.

20. The approach had been to consider general conceptual issues first and then to focus on the concrete measures to be incorporated in a strategy. Having been the subject matter of a declaration, the right to development had been reaffirmed in Vienna, where the international community had been requested to treat it equally with other fundamental rights because, like them, it was indissociable from democracy. In view of serious threats to international peace and security, the Group of Experts had reaffirmed that the exercise of the right to development could also be regarded as a means of preventing conflicts.

21. In order to specify what was meant by the "right to development", the Group of Experts had characterized it from the viewpoint of a triple obligation of States and the international community: the obligation to respect, protect and give effect to all human rights. It had tried to define the content of that right and of the corresponding obligations of States more precisely. On the basis, inter alia, of the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Asbjørn Eide, entitled "The right to adequate food as a human right" (Study Series 1), the Group of Experts had decided to divide the multidimensional aspects of the right to development into four main categories, i.e. economic, social, cultural and civil and political, and to determine what each one involved, what commitments or obligations derived therefrom for the right to development, what obstacles stood in the way of the realization of that right and what measures its realization required. A preliminary list of specific issues under those four categories which had been prepared in cooperation with representatives of Governments and non-governmental organizations should summarize the conclusions the experts had reached on that part of their work. Because of the lack of time, the list was not complete, but it had been reproduced as it stood in annex II of the progress report and it was already a useful working tool. Some of the columns had to be filled in to include references, obstacles and proposed measures. Part III of the report contained proposals that the Group of Experts had to consider before including them in the list.

22. Referring to differences of opinion within the Group of Experts, he said that there had been some disagreement about the link between the right to development as a human right and development itself. Some experts had emphasized that the right to development was a human right, relating it to the

full enjoyment of civil and political rights and economic, social and cultural rights, while others tended to look at it from the development perspective. On the one hand, the right to development was part of universal, indivisible and interdependent human rights which derived from the dignity of the human person. On the other, it could become a viable instrument for putting human rights firmly on the development agenda.

23. Another question on which there had been no unanimity was the relationship between the domestic and international dimensions of the right to development. In order to reconcile extreme points of view, it must not be forgotten that each State bore the primary responsibility for its development and the development opportunities offered to all persons under its jurisdiction, but that the lack of development could not justify any abridgement of internationally recognized human rights. The World Conference on Human Rights had made it clear that States must cooperate to ensure development and eliminate obstacles to development. The entire international community had to promote effective cooperation for the realization of the right to development.

24. At their next session, the experts would try to reach a consensus on concrete and practical measures, but they were already warning that expectations must not be too great. The right to development was not a panacea or substitute for a so-called "human right to happiness", but it could become a means of strengthening respect for human rights, democracy and sustainable development.

25. He drew the Commission's attention to the recommendation by the Group of Experts that it should be able to hold an additional two-week session in order to carry out its mandate properly. The Group of Experts had also recommended that Mr. Thiam should be able to attend the next session of the African Commission on Human and People's Rights in order to prepare a study on the promotion and implementation of the right to development by that Commission. He looked forward with interest to suggestions and comments on his progress report.

26. In conclusion, he referred to article 28 of the Universal Declaration of Human Rights, which was probably the earliest expression of the concept of the right to development: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized".

27. Mrs. KSENTINI (Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic waste and dangerous products and wastes on the enjoyment of human rights), introducing her progress report (E/CN.4/1997/19), said that her mandate was primarily to consider the scope of the problem, which affected African and other developing countries, to receive and consider communications on the question and to prepare a list of countries and transnational corporations which engaged in the illicit practices in question, as well as a list of victims.

28. In her preliminary report (E/CN.4/1996/17), she had discussed the first component of that mandate and described the main trends in the illicit movement and dumping of toxic waste and the adverse effects of such products

on the right to life and the right to health. She had also described the background to the problem and surveyed the factors which were helping to make it worse, as well as the difficulties encountered by developing countries, particularly in Africa, which were the victims thereof.

29. In her progress report, she had studied the complaints and communications she had received. That task had been carried out in particularly difficult conditions. She had spoken with the delegations concerned and had been able to see that their concerns were the same as her own. The progress report could be considered only in conjunction with the preliminary report, which had already drawn attention to the extreme diversity and complexity of the forms taken by the illicit traffic in toxic products and its ability to adapt to the changing world situation. The movement of toxic wastes to developing countries had increased in recent years, in the form of recycling and recuperation operations, which might in principle appear to be entirely legal, but were, in fact, often fraudulent because of the corruption they involved and the harmful effects they had on the environment and the health and lives of individuals and even of entire communities. International regulatory provisions, such as the Basel Convention, were, however, no longer enough to counteract such operations, which were not necessarily unlawful, but were wrongful in terms of human rights standards. Those practices were all the more dangerous and therefore condemnable in that they targeted particularly vulnerable peoples and countries, such as the African countries and the countries in transition, which did not have the legal, financial and technological means to deal with them effectively.

30. She drew attention to paragraphs 20, 22, 92 and 93 of the report, which dealt with the problems which she had encountered and which were primarily the result of the insufficient human and financial resources made available to her by the Centre for Human Rights. The restructuring of the Centre had also led to delays that had prevented her from fulfiling her mandate. She had been unable, like other rapporteurs, to continue to benefit from the services of the official who had been assigned to her earlier and the cross-examination procedure for communications had fallen seven months behind. Contrary to the assurances that had been given to her, the communications had been transmitted to the Governments concerned too late for them to be able to reply in time and for her to formulate her conclusions before the date of submission of the report. The consideration of the communications dealt with in the report was therefore preliminary and no conclusions had been reached. She had, however, been entirely satisfied with the cooperation of the expert appointed to assist her, and with that of so many Governments.

31. The third component of the study, the list of countries and transnational corporations which illicitly transferred toxic products and, possibly, the preparation of the report to the Commission's fifty-fourth session, could not be completed unless she had the necessary financial and human resources to deal with the information received according to the criteria established, to hold the necessary consultations and to carry out field missions, like other Commission rapporteurs.

32. She drew attention to her conclusions and recommendations, which were contained in paragraphs 74 to 93 of her report. She requested that the replies of Governments that she had not been able to include in the report

should be published at the current session, if possible as an addendum to the report or as a written statement supplementing her oral introduction to the report.

33. Mr. VAN WULFFTEN PALTHE (Netherlands), speaking on behalf of the European Union, the central and eastern European countries associated with the European Union (Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia) and Cyprus, said that linking human rights, democracy and development was crucial. Democratic participation by all segments of society, including persons belonging to minorities and indigenous populations, was essential in that it would help reduce tensions within societies. Governments should welcome, in a constructive spirit, proposals by actors in civil society and criticism by persons defending the cause of human rights.

34. The European Union's development cooperation policy was closely linked to the realization of human rights and fundamental freedoms, as well as the application of democratic principles. Specifically, it included clauses on human rights in its trade and cooperation agreements with third countries. It had also undertaken specific activities to support democratization. Between 1992 and 1995, it had assisted more than 60 countries by means of projects of various kinds. Some dealt with the preparation and holding of elections and strengthening democratic institutions after elections, while others related to the independence of the judiciary, the development of civil society, the electoral participation of women, media awareness, civic education and the establishment of parliamentary institutions. The European Community had carried out joint action in Russia, South Africa, the Middle East and, recently, Bosnia, where the Union had contributed 6.9 million Ecu to the election process.

35. With regard to the Commission's work, he noted that a growing number of countries were considered under the agenda item entitled "Advisory services in the field of human rights". He welcomed the dialogue the United Nations High Commissioner for Human Rights had established with the authorities of many countries, but stressed that action by the High Commissioner could not replace human rights mechanisms and other institutions. Moreover, assistance by the international community was not an excuse for avoiding what were basically national responsibilities. Paragraph 5 of the Vienna Declaration and Programme of Action reaffirmed that it was the duty of States, regardless of their political, economic and cultural system, to promote and protect all human rights and fundamental freedoms.

36. The European Union was following with interest the work of the Intergovernmental Group of Experts on the Right to Development, which would have to be careful not to stray too far from the concept of the right to development as it had originally been intended. The individual should be the primary subject and beneficiary of that right. The denial of human rights was an obstacle to development, but development that failed to take account of the promotion and protection of human rights would ultimately have little effect.

37. Although international cooperation was essential in the area of human rights, democracy and development, national Governments had to assume their responsibilities, eradicate corruption, practise good governance and be

cautious in spending too great a percentage of the national budget on the acquisition of weapons. Many conflicts in recent decades had been the result of widespread violations of human rights and tensions that could have been controlled. It must also be realized that the capacity of the international community to deal with the growing number of major humanitarian crises was approaching its limits.

38. The final documents of the World Conference on Human Rights, the World Summit for Social Development, the fourth World Conference on Women and the World Food Summit provided useful guidelines for the democratic functioning of States and development.

39. Mr. KOESUKA (Japan) said that 135 countries were now parties to the International Covenant on Economic, Social and Cultural Rights and 136 countries were parties to the International Covenant on Civil and Political Rights. Those two instruments were equally important.

40. In 1995 and again in 1996, the Government of Japan had organized a symposium on human rights in the Asian-Pacific region. At the end of the first symposium, the Chairperson had summarized the discussion by saying that all rights should be implemented in an integrated manner and that the fruits of economic development should be shared equitably within society in order to promote human rights. In his report entitled "Building a partnership for human rights", the United Nations High Commissioner for Human Rights had also drawn attention to the complementarity of democratic institutions and economically sound development strategies.

41. At the fifty-first session of the United Nations General Assembly, the Japanese Prime Minister, Ryutaro Hashimoto, had described the Japanese Government's policy and had indicated that Japan, which was a leading donor, would work further to enhance its official development assistance. The Japanese authorities were calling for a "new development strategy" whose basic principles would be the developing countries' sense of ownership of their development process and the establishment of a "new global partnership". Development must, moreover, be promoted not only through development assistance, but also through a combination of elements, including trade, debt relief, technology transfer, etc. Assistance had to be adapted to the particular circumstances of countries and take account of their efforts to promote democratization and introduce market economies. Close links should be established between the United Nations and the Bretton Woods institutions.

42. At the G7 Summit held in Lyon, the Government of Japan had announced an initiative entitled "Partnership for Democratic Development (PDD)", under which it would provide comprehensive assistance to countries making efforts to develop democracy and promote human rights. With regard to the question of the right to development, Japan had supported Commission resolution 1996/15 establishing a working group. It considered that the "Partnership for Democratic Development" was in line with the general trend towards contributing to the effective realization of the right to development.

43. Mr. CHRISTOFIDES (South Africa) said that the illicit movement and dumping of toxic and dangerous products and wastes violated a fundamental right, the right to life. South Africa had become a party to the Basel

Convention in 1994 and his delegation had played an active role in the negotiations at the third meeting of States parties to the Basel Convention to amend the Convention to prohibit the export of hazardous wastes, including for recycling, from OECD to non-OECD member States. South Africa had also hosted an important meeting of English-speaking African countries to promote the Basel Convention. It would soon be the site of a regional training centre to promote the safe handling of hazardous and toxic waste.

44. Although the Government of South Africa was usually happy to cooperate with special rapporteurs of the Commission, it had noted that the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights had included an allegation in her report which related to South Africa and did not come within her mandate because the case in question had not been one of illicit dumping or trafficking, but, rather, one of poor practices within a factory. The persons responsible would be punished by a South African court. It was a matter of concern that such information had been published without giving the State concerned an adequate opportunity to explain. His delegation therefore supported the Special Rapporteur's proposal for the circulation of the replies by States that she had received.

45. Mr. WANG Min (China) said that economic, social and cultural rights and the right to development were part and parcel of fundamental human rights on the same basis as civil and political rights, as recognized by a range of international human rights instruments, including the Universal Declaration of Human Rights, the Declaration on the Right to Development and the Vienna Declaration and Programme of Action. Other declarations and programmes of action relating to the right to development had been adopted at the International Conference on Population and Development, the fourth World Conference on Women and the United Nations Conference on Human Settlements. In addition, 1996 had been the International Year for the Elimination of Poverty and, at its fiftieth session, the General Assembly had proclaimed the first International Decade for the Elimination of Poverty (1997-2006). In 1996, the Commission had also set up the Intergovernmental Group of Experts on the Right to Development and the Working Group on Structural Adjustment Programmes and Economic, Social and Cultural Rights. In some developing countries, including China, measures had been taken to promote sustained economic growth, thereby improving the standard of living of the people. Despite that progress, the objectives stated in the Declaration on the Right to Development were far from having been achieved. Within the Commission itself, economic, social and cultural rights had long been neglected. Only one special rapporteur dealt with that question and only six of the resolutions adopted at the fifty-second session had related directly to those rights. Moreover, the North-South gap continued to widen and the number of poor people in the world, 90 per cent of whom lived in developing countries, had risen from 1 billion in 1990 to 1.5 billion in 1996. The situation in the developing countries was being aggravated by the existence of irrational international economic relations and an unfavourable external economic environment, as well as by stalling international development cooperation and the imposition by some western countries of their political models without taking account of conditions in developing countries.

46. In order to promote the full realization of economic, social and cultural rights and the right to development in the developing countries, the international community and the Commission must pay equal attention to all categories of human rights because, as indicated by the development process of many developing countries, there were no civil and political rights to speak of without economic and social development. Some developed countries nevertheless tended to regard civil and political rights as a precondition for the realization of all human rights and neglected economic, social and cultural rights. They were thus acting contrary to the principles embodied in the Vienna Declaration and Programme of Action and the Commission should take practical action to remedy that situation.

47. The necessary attention should also be paid to the right to development, which was clearly defined in the Declaration on the Right to Development, and its meaning should not be distorted. His delegation appreciated the work done by the Intergovernmental Group of Experts on the Right to Development and hoped that the Group would be able to take account of the views of developing countries, carry out serious studies of ways of eliminating obstacles to the realization of the right to development and formulate a strategy along those lines.

48. While it was necessary for each country to draw up its own economic development policies in the light of its national conditions, the international community also had to take effective measures to remove obstacles to development at the international level. It should make greater efforts to establish a new and fairer international economic order and to expand international cooperation. The developed countries in particular should fulfil their commitments in such core areas as capital, debt, trade and technology in order to create a favourable economic environment for the developing countries.

49. The development approaches chosen by different countries should be respected. Every people had the right to choose its social system, development path and style of life in accordance with its historical traditions, religious beliefs and cultural background. Only by fully respecting the sovereignty of each country and the economic and social system it had chosen could development and stability be ensured in all countries and could the realization of all human rights, including the right to development, be promoted.

50. Mr. AMAT FORES (Cuba) recalled that the World Conference on Human Rights had requested all States not to take any unilateral measure that would hamper international trade relations and the full realization of the rights provided for in all international human rights instruments, particularly the right of every person to an adequate standard of living to guarantee his health and well-being, including food, medical care, housing and social services. The Government of the United States had totally disregarded that appeal and had adopted the notorious and universally condemned Helms-Burton Act, which was, in view of its extraterritorial, unilateral and coercive nature, a violation of international law and the United Nations Charter. That Act was designed to tighten the economic embargo against Cuba, thereby sentencing an entire people to death by depriving it of food, medicine and access to technology, know-how and markets and preventing the Government of Cuba from renegotiating the

country's external debt. The standard of living of the Cuban people had been hard hit, as had the realization of its economic, social and cultural rights.

51. The extraterritorial effects of the Helms-Burton Act were not being felt only by Cuba. The adoption of that Act was a violation of the sovereignty of other States, since it provided for sanctions against countries which maintained normal trade relations with Cuba or had investments in Cuba. It was an Act against all of mankind that was contrary to the principle of the sovereignty of States and the right of peoples to self-determination and it was an obstacle to the freedom of trade of all nations. It was proof of the determination of the United States to rule the world and violate the rules and principles of international law. That explained why the blockade policy to which Cuba was being subjected and the Helms-Burton Act which was its most recent manifestation had been universally and massively condemned in the resolutions adopted for five consecutive years by the United Nations General Assembly.

52. Mr. SIN GUANEM (Observer for Yemen) thanked the Commission for focusing on the problems the developing countries were facing in their efforts to achieve development. The work of the Working Group set up in 1996 should lead to a set of guiding principles to be applied in international economic relations.

53. In the past 20 years, the efforts made by the developing countries, particularly the least developed, had produced hardly any results because of a very unfavourable international economic environment about which those countries could do nothing in view of their very weak economic and social infrastructures. In the field of development, the members of the international community therefore had to establish relations of close cooperation based on mutual respect and economic and financial assistance principles designed to protect the developing countries from the harm to which they had been subjected in the past and which had adverse effects on their economic development. Such cooperation would be a sound basis for guaranteeing respect for economic, social and cultural rights in the context of sustainable development. The international community had to assume its responsibilities and create the conditions for such development at the national and international levels. Only the strengthening of international solidarity would enable the developing countries to overcome the obstacles to development that were represented, for example, by external debt and scarce foreign economic and financial assistance. Development was ultimately the only means of guaranteeing respect for human rights in those countries.

54. Yemen gave priority to the realization of the right to development in all its programmes and development policies. It was adopting every possible measure to reactivate the market economy at the national level and encourage foreign investments. Those objectives could be achieved only as part of a democratic process and with the participation of the population.

55. All developing countries that wanted to follow that path would need assistance from the international community, which had to adopt appropriate policies to establish a new world economic order based on justice and equity in order to re-establish the balance among all its members and thus create a favourable climate for guaranteeing the well-being of mankind as a whole.

56. Mrs. MOURAVIEFF-APOSTOL (International Federation of Social Workers), recalling that the first United Nations Decade for the Eradication of Poverty had begun on 1 January 1997, said she very much hoped that it would be an opportunity for all Governments to reinforce the implementation of the commitments they had made at the World Conference on Human Rights and the World Summit for Social Development. In his final report on human rights and extreme poverty (E/CN.4/Sub.2/1996/13), the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities rightly stated that poverty always lead to exclusion. The International Federation of Social Workers believed that the trend towards exclusion both in the eternally poor and in the industrialized countries and even in the so-called "emerging market" countries had to be reversed before split societies became the rule.

57. As the Special Rapporteur of the Sub-Commission recommended (ibid., para. 217), "Models based exclusively on achieving macroeconomic objectives which aggravate the situation of the most underprivileged, push up poverty indices and augment social exclusion should be avoided. It has been proved that, if a development model is elitist and generates poverty and exclusion, the social policies applied thereafter will never succeed in offsetting the cost of the social deterioration it has caused". The time had therefore come for the international community to become involved in prevention. The International Federation was at present completing a project on social exclusion and social work in Europe in cooperation with the Commission of the European Communities. It was prepared to extend its cooperation as widely as possible, particularly as the participation of the poor themselves in efforts to find solutions guaranteed the success of any action taken in that spirit.

58. Mrs. SPALDING (United Towns Agency for North-South Cooperation) said that she was also speaking on behalf of the International Association of Educators for World Peace.

59. Referring to problems of foreign debt and economic adjustment policies from the viewpoint of the Declaration on the Right to Development (agenda item 5 (a)), she said that the Association urged the Commission to recommend that negotiators who were prepared to waive the reimbursement of part of the developing countries' foreign debt when a proposed swap might be valid should use expanded human rights categories in debt-swap negotiations. Public and private investors with an interest in the third world should better gauge not only the economic effects of the projects they intended to execute in developing countries, but also their human consequences. Joint ventures must have sound foundations not only financially, but also ethically.

60. In order to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights in a dignified manner, some of the proposed activities should be deliberately linked to the realization of economic, social and cultural rights. Countries should, for example, be encouraged to take part in the World Exposition to take place in Portugal in May 1998 and in the Universal Excellence Expo to be held in Geneva in August 1998.

61. The International Association of Educators for World Peace thanked the Special Rapporteur of the Sub-Commission for having drawn attention in his final report to the relationship between disability and extreme poverty. The Commission should remain seized of that issue.

62. It should also take decisions which were literally of a vital nature on the adverse effects of the illicit movement and dumping of toxic waste and dangerous products on the enjoyment of human rights because they endangered the most basic of human rights, the right to life. The consideration of agenda item 24 on matters relating to indigenous peoples would show how much the question of the illicit movement of toxic wastes was, like so many other questions, coloured by racism and discrimination.

63. Mrs. ROSENKRANTZ (International Federation Terre des Hommes), recalling that the decade that had just begun was devoted to the elimination of poverty, said that that showed specifically the direction in which the Commission must move to promote the realization of economic, social and cultural rights. The first to fight back against poverty were the poor themselves. The experience and know-how they gained in that way made them indispensable partners in the formulation of any economic and social measures to be adopted. The Special Rapporteur of the Sub-Commission on extreme poverty had, moreover, designed his study in close association with the poorest themselves, thus giving a life and recognition to those who were excluded, and Terre des Hommes endorsed the recommendations he had made in his final report (E/CN.4/Sub.2/1996/13).

64. Terre des Hommes had been aware for a long time that communities and social organizations were primarily responsible for their own development. It knew that the poor, i.e., those who did not even meet the conditions set by banks for obtaining a loan, paid back 80 and even 90 per cent of the small loans which were granted to them and by which they ensured the viability of many projects in the peasant sector and many small urban enterprises. However, globalization was likely to hamper the progress thus made, so that action to combat poverty had to continue to be taken by the authorities; the activities of NGOs must not serve as an alibi for States wanting to evade their responsibilities in that regard. Terre des Hommes noted with satisfaction that the World Bank was making the necessary changes in its structural adjustment policy and that civil society was playing a more active role in its projects. It was regrettable that the IMF was not moving as quickly in the same direction.

65. The Committee on Economic, Social and Cultural Rights had submitted a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights to re-establish the balance between the treatment of civil and political rights and that of economic, social and cultural rights. It was of great interest and would also be a new means of combating poverty. Terre des Hommes would like it to be adopted and ratified as soon as possible.

66. Mr. MIOT (International Federation of Adult Rural Catholic Movements (FIMARC)) said that the realization of the right to development was of great importance for all of the rural and peasant movements forming part of FIMARC. However, those movements were even more interested in the formulation of a strategy to promote the right to development and assess the social repercussions of the policies of international financial institutions: both

would help find a solution to the developing countries' debt crisis. Rural movements and peasant organizations were being hard hit by the destructive effects of the globalization of the economy on economic, social and cultural rights because the economic system in the rural world was particularly fragile.

67. Rural dwellers were nevertheless trying to do more and more to promote "sustainable development". For example, using natural fertilizers and local seed varieties, peasants and fishermen in Indonesia were reviving a traditional culture which would be ecologically sound. They were using savings to set up loan cooperatives and had also established a community storage system. In Africa, where food insecurity in rural areas was primarily the result of the lack of organization of production and low yields, the Malgache Peasants' Federation, for example, had established a savings and loan fund which helped peasants manage their production and was also organizing training courses in management and public relations, as well as study tours and exchanges of experience between peasants from various parts of the country and the African continent. In Peru, peasant representatives from various regions had recently organized a training and experience-sharing seminar designed to solve the problems of poverty. For rural movements in Europe, the idea of a world in which solidarity existed was not a reality: it was primarily a challenge. During a working meeting that was now going on in France, there were plans for on-site visits and exchanges, such as a meeting of associations that were saving rural jobs through the domestic worker services they were providing for the elderly and ill. Such achievements showed that, in order to be realized, the right to development had to be based on active participation by the people in the decisions and orientations that concerned them now and would also affect their future.

68. Mr. BHAN (Himalayan Research and Cultural Foundation) said that the fact of being human implied a right to improve one's life. That right to development gave every human being the freedom to participate in, contribute to and enjoy the fruits of economic, social, cultural and political development. The right to development could therefore not be separated from the right to life, freedom and the pursuit of happiness. It implied that the world community must act to preserve the physical and spiritual heritage of people everywhere. When alien ideologies were thrust on people and their lands became battlegrounds, freedom which was a prerequisite for the enjoyment of development became a casualty.

69. He described the difficulties his compatriots in India faced as they tried, despite threats by terrorists and foreign mercenaries, to achieve the right to development for the benefit of the younger generations. In Jammu and Kashmir, the people were desperately seeking to restore democracy and the traditional values of peace, amity and coexistence. If society as a whole truly wished to transmit that inalienable right to development to future generations, together with the rewards of those efforts, the world community, through the Commission had to condemn those countries and groups, which, in the name of religion, ideology or naked territorial ambition, encouraged violence and deprived innocent citizens in other countries from pursuing, free from fear, the path of development, peace and prosperity.

70. Mrs. MARWAH (International Institute for Non-Aligned Studies) said that the development process covered not only the material aspects, but the entire range of social, cultural, educational and political facets of the lives of individuals and societies. A mere focus on material gain was not development in the true sense. In order to raise its standard of living in all senses of the term, the world community had to preserve the physical and spiritual heritage of all peoples, but the world today was seeing ideological, economic and political motivations give the pursuit of material wealth greater value than traditions and values that had allowed the maturing of ancient civilizations. The concept of the family was one of the victims of that wrong approach to development.

71. Tensions born of ideologies or territorial ambitions were increasingly hampering the efforts that countries were making to allow their peoples the freedom and right to move along the development path. Whether in Afghanistan, Africa or Jammu and Kashmir, continuing conflicts were pushing society lower down the development scale. In the past decade, armies, mercenaries and groups of soldiers had been acting like commercial companies and hiring out their power to kill to the highest bidder. Nation States were acquiescing, increasingly unable to deal with the problem, which could ultimately force them to divert scarce resources to war rather than to development.

72. Society had to give up wars based on religion, racism, creed or political imperatives and adopt the idea of forming a truly integrated family whose members could have equal opportunities for development. NGOs had a mandate to work for the achievement of that goal. They had a moral duty to make the Governments of nation States understand that they were now venturing along a path that led not only to the destruction of their opponents, but also of their own people.

73. Mrs. NEURY (Centre Europe-Tiers Monde (CETIM)) said that she deeply regretted the fact that the Commission attached too much importance in its work to the right to development, which encompassed all fundamental rights. It was also regrettable that that right should be systematically dealt with in conjunction with economic, social and cultural rights because the confusion was dangerous and unhealthy. CETIM requested that the agenda item on the right to development should be considered separately at the Commission's fifty-fourth session. It also disagreed with the methodology chosen by the Intergovernmental Group of Experts on the Right to Development, which had held only closed meetings.

74. The programmes of action resulting from the Vienna Conference on Human Rights and the Copenhagen World Summit for Social Development reaffirmed the interdependence, indivisibility and non-selectivity of fundamental rights, but CETIM noted once again that economic, social and cultural rights were still being marginalized: the competent committee lacked resources, no special rapporteur had been appointed on that question, the Centre for Human Rights had no specialist on the issue and only 5 per cent of projects related to those rights. Such a situation was inadmissible in the present world context. CETIM requested that the Commission should take the appropriate measures as of the current session.

75. CETIM recalled that, at its forty-eighth session, the Sub-Commission had recommended that the Commission should decide in favour of the establishment of a working group to consider the methods and activities of transnational corporations.

76. Under agenda items 5 and 6, CETIM had circulated three written communications that might be useful: the first related to embargoes, the second to "blue gold", i.e. drinking water for all, and the third, to foreign debt and structural adjustment programmes.

The meeting rose at 12.55 p.m.